

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TOBIAS COSGROVE,)	
)	
Plaintiff,)	
)	8:09-cv-00214-LSC-FG3
vs.)	
)	CONSOLIDATION ORDER
GREAT WEST CASUALTY COMPANY,)	
)	
Defendant.)	
TOBIAS COSGROVE,)	
)	
Plaintiff,)	
)	8:10-cv-00244-LSC-FG3
vs.)	
)	CONSOLIDATION ORDER
GREAT WEST CASUALTY COMPANY,)	
)	
Defendant.)	

This matter is before the magistrate judge pursuant to 28 U.S.C. § 636 on the defendant's Motion to Consolidate Cases (Filing No. 3 in Case No. 8:10-cv-00244). No response to the motion was filed. Upon review of the court files in both cases, the court finds that consolidation pursuant to Fed. R. Civ. P. 42(a) is warranted. Accordingly,

IT IS ORDERED that defendant's Motion to Consolidate (Filing No. 3 in Case No. 8:10-cv-00244) is granted, as follows:

1. Cases Nos. 8:09-cv-00214 and 8:10-cv-00244 are hereby consolidated for all purposes.
2. Case No. 8:09-cv-00214 is hereby designated as the "Lead Case." Case No. 8:10-cv-00244 is hereby designated as the "Member Case."
3. The court's CM/ECF System has the capacity for "spreading" text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, the parties are instructed to file all further documents (except those

described in paragraph 4) in the Lead Case, No. 8:09-cv-00214, and to select the option "yes" in response to the System's question whether to spread the text.

4. The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; or to file items related to service of process.

5. If a party believes that an item in addition to those described in paragraph 4 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more member cases. The motion must be filed in all the consolidated cases using the spread text feature.

6. A final case progression order has already been entered in Case No. 8:09-cv-00214. Counsel for the parties shall advise the court, no later than **August 5, 2010**, whether the progression order deadlines previously established in 8:09-cv-00214 should remain in effect for the consolidated cases. If modifications are necessary, counsel shall submit their proposed revisions by filing a joint stipulation no later than **August 5, 2010**. In the alternative, counsel may contact chambers no later than **August 5, 2010** to set a scheduling conference with the undersigned.

DATED July 20, 2010.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**